

DANIEL E. DE CLUTE.

JANUARY 13, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. THOMAS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9689.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9689) for the relief of Daniel E. De Clute, having considered the facts presented, respectfully report:

Daniel E. De Clute enlisted as a private in Company B, Forty-fourth Illinois Volunteer Infantry, August 15, 1861, and was honorably discharged September 25, 1865.

He applied for pension January 21, 1888, for gunshot wound of neck and resulting spinal affection or disease of spine, the wound being received in battle at Stone River, Tennessee, January, 1863, and again applied January 18, 1890, for chronic diarrhea, piles, and paralysis. He was pensioned at \$2 from January 21, 1888, for gunshot wound of neck, and at \$8 from January 18, 1890, for gunshot wound of neck and chronic diarrhea and resulting disease of rectum, which was increased to \$17 for same disabilities from September 12, 1894; but his claim for resulting disease of heart, hemiparesis, and spinal irritation was rejected, as not being the result of pensioned disabilities.

The board of examining surgeons, November 18, 1891, rated him fourteen-eighteenths for gunshot wound and results, four-eighteenths for chronic diarrhea and results, and six-eighteenths for disease of heart. On February 14, 1894, the board found him wholly incapacitated for manual labor.

On September 12, 1894, the board said, "He needs the constant aid and attention of another person," and also say, "He had a stroke of paralysis seven years ago; also one on 6th of June, 1894."

On September 11, 1895, the board rated him fourteen seventy-seconds for chronic diarrhea and disease of rectum, eight seventy-seconds for gunshot wound, and fifty seventy-seconds for spinal irritation and paralysis, making \$72 per month, and say, "He needs the constant aid and attention of another person on account of paralysis and dementia."

Soldier has been pronounced insane and his pension is drawn by Seraphina De Clute, his guardian. She appealed to the Secretary of the Interior on the decision of rejection of paralysis, and the Secretary affirmed the decision November 7, 1896, after securing the opinion of the medical referee, who gave an opinion that pensioner was now receiving a pension commensurate with his disabilities contracted in service.

Dr. Thomas J. Tamer, medical director of the United States Navy, testifies substantially that—

Affiant has had personal acquaintance with soldier nearly six years, and examined him April 29, 1895, and found him physically and mentally disqualified for any kind of labor. I am of opinion that the primary cause of this disability has been chronic diarrhea, which has so affected his assimilation that the well-known results are seen in the nutrition of his brain and spinal marrow.

Dr. David H. Wood testified that he examined soldier May 1, 1895, and after describing a condition of mental and physical helplessness, gives the opinion:

The condition of claimant is due to imperfect nutrition, or starvation of the brain and spinal marrow, the result of a long and continued diarrhea.

Dr. Newton Baldwin testified October 30, 1895, substantially:

Affiant has been intimately acquainted with claimant for last ten years, and all that time have known him to be a sufferer from the effects of chronic diarrhea, the greatest difficulty being the spinal difficulty, so common as a sequela of the diarrhea. The spinal disease was well established ten years ago, and, seemingly characteristic, it has gradually progressed until at the present time he is a perfectly helpless mass of flesh—one side entirely helpless and paralyzed—with the other hand, left, he can at times automatically feed himself. The mental condition is now that of an imbecile; the urine is ammoniacal and the bladder paralyzed, necessitating the constant use of a catheter. Is constantly fed by his wife, because he has too little use of his left hand to be relied upon, if he knew enough to feed himself, which he does not. He can not stand alone, and requires the constant aid and attention of another to exist.

Dr. William Wilson testified that he examined soldier October 25, 1895, and found him a physical and mental wreck, requiring as constant attention and care as an infant, and said:

The cause of his helpless condition is paralysis. The entire motor system is affected, the limbs, tongue, throat, muscles of face, bladder, and rectum all involved. Mentally he is an imbecile. There are two scars in the lower cervical region of the spine, where it is claimed he received a gunshot wound in the Army. I have not the least doubt but that his paralysis is the result of that injury.

Dr. Bradley Crippen testified that he and his preceptor (Dr. Littlefield) treated claimant for spinal trouble, the result of the gunshot wound, soon after his return home from the Army, and at various times up to 1888, and in his opinion the paralysis is due to the gunshot wound.

Whether the present helpless condition of soldier be due to chronic diarrhea or to the gunshot wound, about which the medical men who have treated and examined him differ, there is no other cause shown or even suggested than that one or the other, both of which are recognized and admitted to be due to his military service, is directly responsible for the present deplorable helplessness of the soldier.

The committee therefore believe the claim meritorious and recommend the passage of the bill after being amended by inserting the letter "B" in line 5 immediately after the word "Company," by striking out the word "fifty" and inserting "thirty" in lieu thereof in line 7, and by striking out all the printed bill after the word "him," in line 8.